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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,948	03/06/2000	Fred Slavin	P/2167-141	8859

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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/518,948	SLAVIN ET AL.	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-95 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 20 March 2006.

Status of Claims

2. Claims 1-95 are currently pending.

Response to Arguments

3. In response to Applicant's arguments filed 20 March 2006, it has come to the attention of the Examiner of a restriction requirement for claims 1-95 as discussed below and the Examiner respectfully request that the Applicant elect in the next response. Applicant's remarks have helped to highlight the restriction requirement as discussed below. Further, Applicant's remarks filed 20 March 2006 submit that previously newly added claims 91-95 were not addressed in the previous office action. The Examiner acknowledges that these claims were not addressed and therefore the next response after the election will not be a final so that Applicant will have sufficient opportunity to respond to any rejection of claims 91-95.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Art Unit: 3624

- I. Claims 1-24, 67-91 and 94 are drawn to receiving two or more orders corresponding to more than one subsidiary of a seller and allocating payments to the appropriate subsidiary, classified in class 705, subclass 40.
- II. Claims 25-64, 92 and 93 are drawn to receiving at least one order form a buying organization and evaluating the order against one or more criteria to determine if the order is approved and receiving an approval identification from the buying organization, the approval, classified in class 705, subclass 34.
- III. Claims 65, 66 and 95 are drawn to a method for a selling entity to allocate funds comprising disaggregating received funds to associate portions of the received funds with two or more sub-entities of the selling entity and processing the received funds to update an accounts receivable system classified in class 705, subclass 39.

The inventions are distinct, each from the other because of the following reasons:

5. Inventions I, II and III are directed to related processes. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, invention I receives two or more orders corresponding to more than one subsidiary of a seller and allocates payments to the appropriate subsidiary. Invention II receives at least one order form a buying organization and evaluates the order against one or more criteria to determine if the order is approved, then receives an approval

Art Unit: 3624

identification from the buying organization. Invention III is a method for a selling entity to allocate funds comprising disaggregating received funds to associate portions of the received funds with two or more sub-entities of the selling entity and processing the received funds to update an accounts receivable system. These inventions are mutually exclusive and are not obvious variants of one another. Specifically, the Examiner notices that even the Applicant in the remarks filed on 20 March 2006 separates arguments related to the separate inventions such as “receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller” for claims 1 and 67 (see page 5 of remarks). Invention I requires that two or more orders be submitted for multiple subsidiaries of a seller whereas invention II only requires at least one order be submitted and makes no reference to subsidiaries and instead appears to more focused on evaluating the order against a certain criteria and receiving an approval. Therefore inventions I and II are distinct from one another and are not obvious variants. Applicant’s remarks also distinguish invention III evidenced by its separate arguments (see page 12 of remarks). Invention III is drawn to disaggregating received funds to associate portions. There is no order management processes as in inventions I and II. Inventions I and II both appear to be pre-payment methods concerning ordering and invention III is a post-payment method concerning funds distribution. Therefore, the inventions are distinct as they have materially different design, mode of operation, function, or effect.

6. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

30 May 2006



HANI M. KAZIMI
PRIMARY EXAMINER